

LOWER PAXTON TOWNSHIP

BOARD OF SUPERVISORS

Minutes of Board Meeting held January 9, 2007

A regular workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Chairman William B. Hawk on the above date and time at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Jeff Case, Arora and Associates; Dianna Fishlock, The Patriot News; Ben Shields and George Byerly, Colonial Park Fire Company; Doug Lowman and James Rowell, Paxtonia Fire Company; Perry Pierich, Linglestown Fire Company; Richard Needham, Fire Marshall; Daniel Bair, Public Safety Director; Ted Robinson, Watson Fisher, and Mark Levine.

Pledge of Allegiance

Mr. Blain led in the recitation of the Pledge of Allegiance.

Public Comment

Mr. Mark Levine, 1507 Knollcrest Road, distributed a news article regarding Exeter Township and their involvement with a firm that provides inexpensive aerial photographs of Township properties.

Mr. Levine noted that the utility lines are sagging at the entrance way to the North Side Elementary School on Devonshire Road.

Mr. Levine noted that during most Township meetings there is an opportunity to make public comment on an individual plan or agenda item, but this is not the case for the items on the agenda for Township business meetings. He requested that the Chairman ask for public comment for items on the agenda. Mr. Seeds suggested that once a motion has been seconded, public comment is not permitted. Mr. Stine noted that the Board of Supervisors have not adopted procedures for the way meetings should be conducted, such as the Robert's Rules, and the Second Class Township Code does not provide for built-in procedures. Mr. Hornung noted that Board members do not ask the public for comments for items listed on the agenda. Mr. Levine suggested that there were some omissions at a recent meeting regarding Mr. Kessler's plan. He noted that the improvements to the sewage treatment pumping station were overlooked.

Mr. Blain noted that in regards to the article Mr. Levine distributed, the Township has a GIS system, and it is used by the Planning Commission, and it shows the information to include the street name, and lists the fire hydrants, water and sewer lines. Mr. Blain noted that Mr. Lighty worked very closely with the development of the GIS system. Mr. Wolfe noted that anyone can view Googlemap.com and find the same service which is updated by a satellite system.

#### Report on the status of the Linglestown Square Project

Mr. Wolfe explained that he and Mr. Case attended a meeting with PENNDOT yesterday to discuss the right-of-way plan, and most specifically, the bypass road for Blue Mountain Parkway. He distributed a memorandum with five attached plans that were presented to PENNDOT at that meeting.

Mr. Wolfe explained that PENNDOT called the meeting as a result of concerns voiced by certain property owners affected by the Blue Mountain Parkway bypass road. He noted that PENNDOT wanted to verify the due diligence process being followed by the Township in the selection of the alignment for the bypass roadway. He noted that Mr. Case presented the five conceptual designs, and noted that these five designs were the most prominent designs used for an appropriate alignment. Mr. Wolfe noted that Mr. Case would explain the various designs and how he came to choose design number five as the design professional's and staff's recommended alignment for the right-of-way.

Mr. Case explained that design one shows the first alignment for the bypass road that was developed years ago by the Committee as a result of the design charette. He explained that PENNDOT commented that the radius for trucks and buses for southbound traffic on Blue Mountain Parkway was very tight, and to make the turn the vehicles would need to encroach into the northbound lanes of Blue Mountain Parkway as well as the eastbound lane of the bypass. He noted that PENNDOT suggested that a revision be made that resulted in design number two. Mr. Seeds suggested that the description inaccurately stated that the substandard turning radius was for vehicles turning left, and it should be for vehicles turning right. Mr. Case noted that Mr. Seeds was correct.

Mr. Case noted that drawing number two shifted the southern curb line of the bypass to the south 12 feet. He noted that this provided for more of a roadway area that would not be striped for a driving lane, but available for the truck and buses to use to negotiate the turn., and would allow free-flow turns for those vehicles at 25 mph. Mr. Seeds noted that this design does

not encroach on the Lenker home, but it would necessitate the removal of a garage. He explained that PENNDOT was concerned with Blackberry Alley, and how it ties into the intersection. Mr. Wolfe noted that it does not provide for a good four-way intersection. Mr. Case noted that the free flow movement is part of the design for the newly created bypass road for Blue Mountain Parkway, and that he wanted to avoid any stops at this intersection, except for the traffic coming from Linglestown Road that uses the old Blue Mountain Parkway.

Mr. Seeds questioned Mr. Case if he considered that the traffic for Blackberry Alley would be westbound only. Mr. Case answered that PENNDOT was aware that a discussion was held regarding this, but since it is not a one-way road at this time, they must view it as a two-way alley. Mr. Case suggested that it would not make much of a difference either way since there would continue to be a misalignment with Blue Mountain Parkway.

Mr. Case noted that alternative three uses the same alignment, but pushes it further north to align with Blackberry Alley, but it would result in the demolishing of the Lenker house and garage building.

Mr. Case noted that at that time, he started looking to move the bypass road to the north. He noted that alternate four moves the road north to the Rowe property. He noted that this was the design presented at the Public Meeting, and the Rowe Family was very much against this design. He noted that as a result of that, he refined the design to alternate five to hug the Rowe property as much as possible. He noted that a line of trees was added to design four to shield the view of the road from the Rowe home. Mr. Wolfe explained that north of the Rowe property is a wetland area. He noted that design five crosses into the property immediately north of the Rowe property.

Mr. Case noted that, from a traffic operations point of view, the location of the fifth alternative is much better than the location at Blackberry Alley. He noted that there are sight distance issues for the alley, and the fifth design meets PENNDOT's criteria for sight distance by at least 100 feet in both directions.

Mr. Hawk questioned if the Village of Linglestown Committee has seen the information. Mr. Wolfe noted that they have viewed the previous plans, but have not seen the memorandum that resulted from yesterday's PENNDOT meeting.

Mr. Wolfe explained that he requested PENNDOT's opinion on the design alternatives, and PENNDOT responded that two design criteria be followed: 1) any design must meet the FHWA design criteria for 25 mph roadway, and 2) the Township should select the design alternative that provides the most effective alignment for traffic mobility. He noted that designs

two, three, four and five do meet the design criteria for the 25 mph roadway, but number one does not, therefore, PENNDOT would not accept the first design. He noted that PENNDOT wants the Township to select the design that serves the motoring public as much as possible. Mr. Wolfe noted that PENNDOT would provide the opinion in writing prior to the next Village of Linglestown Committee meeting scheduled for January 18<sup>th</sup>.

Mr. Wolfe noted that it was the unanimous opinion of the January 8<sup>th</sup> participants at the PENNDOT meeting that alternative five is the best one. He noted, if a Blackberry Alley location would be chosen, then alternative three is the best for the alley design. He noted that acquisition costs would be much more expensive for option three over option five since a residential structure would be displaced. Mr. Case noted that six property owners would need to be negotiated with, whereas, with alternative five, it would only be three properties, and it would not involve any structures. He noted that the three property owners would include the United Church of Christ, Mrs. Rowe, and the Carl Family.

Mr. Wolfe noted that the project could not go to bid until PENNDOT approves a final right-of-way plan. He noted that it is the Township's responsibility to obtain the right-of-way, but it cannot be completed until the plan is approved by PENNDOT. He suggested that after PENNDOT's written response is received, he would request the Village of Linglestown Committee to review the five design requests, the entire right-of-way plan, and make a recommendation to the Board of Supervisors. He explained that the Board of Supervisors could choose to accept, modify or reject the recommendation. He noted, if the Board accepts the recommendation, then it would be sent to PENNDOT for their approval, but if the Board would reject or modify the recommendation, then the recommendation should be sent back to the Committee for further review.

Mr. Seeds questioned if this was a time sensitive issue, then the Board members should schedule a special meeting for January 23<sup>rd</sup> to move the project along. Mr. Wolfe suggested that it would be good to move ahead and not to lose two weeks in the process. Mr. Seeds noted that the Committee would make a recommendation for the Board members at their January 18<sup>th</sup> meeting, but a special meeting would need to be advertised. Mr. Hawk questioned if the meeting could be held prior to the Sewer Authority meeting. Mr. Wolfe suggested that it could be held at 5 p.m.

Mr. Hornung questioned if alignment would become a non-issue if Blackberry Alley was one-way eastbound. Mr. Case answered that it would not make a difference since the alley would not align with the bypass road. Mr. Hornung noted that traffic could cross over to access the

alley from the bypass road. Mr. Wolfe explained that it would result in the alley becoming an eastbound shortcut which is something the designers were trying to avoid. He noted that the alley serves well for an egress from the parking lots that will be adjoined to it, but if it is designed for eastbound traffic, then it will become a shortcut for the traffic from Blue Mountain Parkway to the Square roundabout.

Mr. Case explained that the Committee tabled the motion to adopt the fifth alternative until the outcome of the January 8<sup>th</sup> PENNDOT meeting. Mr. Hawk questioned if the Committee has seen the five options. Mr. Case answered that they have not seen the printed versions, but have discussed the five options. Mr. Wolfe noted that the five options have been available for a few months, and PENNDOT has reviewed the five options at previous job meetings, and there is nothing new that is being offered. He noted that there is no new plan, just several design alternatives.

Continued discussion with representatives of the Township's fire companies  
regarding issues of mutual concern

Mr. Hawk noted that during a workshop meeting held last year, it was decided to have further discussions with the Township's Fire Personnel to discuss fire suppression issues. He suggested that he would like to entertain a frank and open discussion on this matter. Mr. Wolfe noted that there are several issues to discuss, to include further discussions for the Fire Capital Equipment Plan, and the potential to have a Township-wide fire services study completed.

Public Safety Director Bair noted that the ordinance for sprinklers was changed, and the members from the fire safety entities were dismayed that they were not included in the discussion, prior to the changes being made. He noted that they are present to discuss with Board members, solutions for making a better fire suppression ordinance.

Mr. Hawk noted that the new Uniform Construction Code (UCC) has resulted in many changes to municipalities ordinances. He noted that he recognizes that the Board should have received input from the Public Safety Committee prior to taking action on the repealing of the ordinance. Director Bair noted that the UCC is the standard to use state-wide, and the history of Lower Paxton Township is that its Fire Suppression Ordinances were stricter than the UCC. He noted that the fire chiefs would like to address this issue to make some recommendations.

Chief Lowman noted that under the new UCC, if a developer bypassed a regulation in the code, it would be heard before a Board of Appeals (BOA). He questioned if the BOA has been appointed. Mr. Wolfe explained that the Township is a member of the West Shore Council of Governments (WSCOG), and WSCOG provides for an appeal board for all its members. He

noted that they would hear the appeal, however, the Township has never had a request for an appeal hearing. Mr. Blain noted that the BOA is made up of members who are specialized in building codes. Mr. Stine noted that they must be professionals, such as architects or engineers, or someone who is in the building business. Mr. Blain noted that the people appointed to the BOA must be agreed upon by the representatives to the WSCOG. Chief Lowman questioned if it is good to have individuals who have no specific knowledge of Lower Paxton Township and its issues, serving on the BOA. Mr. Wolfe noted that the BOA would cover an appeal of a Township regulation, and the Township would have representation at a hearing. He noted that if it concerns a fire suppression issue, the Township would seek guidance from its professional representatives. Mr. Stine noted that, in addition to an appeal, the developer could also request a variance. Chief Shields noted that each individual Township would not have enough resources to man a BOA. Mr. Wolfe questioned where an appeal of a decision from the BOA would proceed. Mr. Stine noted that the next step would be the Court of Common Pleas or Commonwealth Court.

Fire Marshall Needham questioned why the ordinance was changed. He questioned if the reason was because the Township did not want to require the installation of sprinklers for buildings that had no available municipal water. Mr. Hawk answered that there have been numerous incidents where water was not available, and the likelihood of water service was not in the foreseeable future. He noted that part of the agreement was if water service became available, within a certain distance, then the building would need to connect to the system. He noted that it provided the builder with a bye, until the water was available, as opposed to installing water that would have been cost prohibitive.

Mr. Needham noted that it is not good to put sprinklers in a building that are not active, as it provides for a false sense of security. He noted that in the 6900 block of Jonestown Road, the Eagle Crest business complex is a prime example of a building installed with sprinklers and no water. He suggested if a hotel wanted to build in that area, that they could afford to run water to their property, and it could be within the required area for the other buildings to connect to. He noted that it all boils down to fire fighter safety. He noted that he investigated a fire at the Hampton Inn, on the fourth floor, and the sprinkler system knocked the fire down before anyone was hurt. He noted that sprinklers save property, lives, and protect fire fighters, who are volunteers who work in the Township and accept the risk to perform their job. He noted that you cannot put a price tag on a fire fighter's life.

Mr. Needham suggested that it is important to pre-pipe the buildings. He noted that Lower Paxton Township is a thriving place to live, one of the area's fastest growing

communities, and people want to live here. He suggested that a sprinkler system should be installed in all buildings, and notification should be made to the general public that the sprinkler system is not in working condition. He suggested that more pull stations or fire extinguishers could be mandated.

Mr. Hawk noted that a hotel would have a higher financial reserve than a mom and pop store. He noted that the cost factor would prohibit the smaller types of businesses from opening in the Township. Chief Shields suggested that a business less than 5,000 square feet would be exempt, as well as certain use groups. Mr. Wolfe noted that the ordinance previously required fire suppression in use groups A1, A3, A4 to all fire areas. He noted that A2 had no minimum square footage, but it was required for uses E (Educational), H (High Hazard), I (Institutional). He noted that uses M, S and F required 4,000 square feet of space, and use B was never addressed by the Township's regulations. Chief Shields noted that B is a sub-category under the mercantile use.

Chief Shields noted that he was part of the committee that wrote the fire suppression ordinance requirements in 1992, and it took two years to accomplish this. He noted that he was upset that the entire ordinance was repealed without discussing the individual categories. He noted that public places like restaurants, schools and daycare centers should be addressed. He suggested that there could be some give and take for a small business. Chief Shields noted that the larger places would add the cost of the fire suppression system to their rates. He noted that he would like to review the entire ordinance, step-by-step, to see what should be kept and what should be discarded. He noted that there were reasons why certain areas were included in the fire suppression ordinance. He noted that he was very hurt that the ordinance was rescinded without making any contact with the Public Safety Committee.

Mr. Hawk suggested that several members of the Public Safety Committee could form a sub-committee to come back with recommendations to the Board of Supervisors. Mr. Seeds noted that, his wife and 30 other parties have forbearance agreements in place, and he suggested that more would be required from businesses in the Village of Linglestown. He noted that he will have to install a larger pipe into his building to feed the sprinkler system. In addition, the water company taxes an availability fee whether you use the water or not. Chief Shields explained that he pays that fee for the Fire Company. He noted that some of the 30 parties would be required to connect their inactive system, while their neighbor may not be required to do anything under the new PA UCC. He noted that he would like to have the Public Safety Committee review this issue also. Mr. Seeds noted that the issue needs to be reviewed.

Chief Shields noted that he has been a fire chief for twelve years, and he stated that the fire companies have always been willing to work with the Board of Supervisors, but he was really upset when he found out that the ordinance was repealed. He noted that he would have been willing to work with the Board members if they were having issues with the ordinance. He suggested that many codes are driven by economics, and do take the size of the operations and costs under consideration. Mr. Seeds noted that small operations were not required to install a fire suppression system under the 1992 Ordinance.

Director Bair suggested that it is a good idea to have the three fire chiefs review the previous ordinance, review the UCC, and determine what should be included in their recommendation to the Board members. Mr. Hawk noted that no decisions could be made this evening. Chief Shields agreed that there were some sections in the ordinance that were problematic, and that some change may have been needed.

Mr. Hornung noted that there have been 30 forbearance agreements made, and those 30 agreements resulted in \$60,000 worth of fees, and acquired no safety for anyone. He suggested that the ordinance has to be reasonable, and he remembered discussing the options of water tanks, and the firemen wanted a 30-minute tank, which would be unrealistically large. He noted that if the average call time was seven minutes, then the tank should have been designed to match the call time. He noted that the fire personnel at that time were unwilling to compromise on this matter. He noted that the Township could have required a ten-minute tank, and this would have protected the fire personnel. He noted that there are 30 businesses that have a sprinkler system that is totally worthless.

Chief Shields noted that there was no certification or standards for the tanks at that time, and the Building Inspector could not certify the tanks. Mr. Wolfe noted that the dry system does not meet any standard. Mr. Seeds noted that the dry systems provide for an outside receptacle for fire trucks to hook up to, and that these connections could be made prior to any fire fighter entering a building. Chief Shields suggested that it would help a little.

Director Bair noted that the core issue is that the Township has a problem with the availability of water throughout the Township. He questioned how the Township could address this issue, and if anything could be done to encourage the availability of water to the Township. He questioned if the Township could pay for a certain percentage of the work. Mr. Stine noted that, because the water company is a tariff utility, they have rules they must follow to extend water, and the customer must pay the price to run the water. Director Bair noted that developments are being allowed to be built without extending water lines. Mr. Stine noted that

the Township cannot require public water where it is not available. Director Bair noted that it is understandable for developments on the mountain, but there is no excuse for the other developments. Mr. Stine noted that the water service might be five miles away. Director Bair suggested that, at some point, water may be brought closer, and it would not be as costly to connect to public water. Mr. Wolfe explained that it is not the Township's decision whether public water or on-lot water is used; it is the developer's choice. Mr. Stine noted, under the Municipalities Planning Code (MPC), the Township can only require that there is a potable water supply; the Township cannot refuse development for lack of public water. Mr. Wolfe noted that the Township could not deny the building out of the Stray Winds Farm Tract with on-lot wells.

Director Bair questioned how the residents in the City of Harrisburg could be required to be on city water. Mr. Wolfe noted that their water company is supplied by an authority and not a tariff utility. Mr. Stine noted if a water line runs in front of a house in the city, it must be connected to it. Mr. Stine noted that the same is true for the Township if a building is within 150 feet of water service. Director Bair noted that the lack of water supply is the core issue for fire safety, and it affects the ISO Rating. Mr. Wolfe noted that that is why the system that the Township has is not working well since it is not getting the infill development that it expected. He noted that there is no legal mechanism, at the Township level, to require the infill. He explained that the Township is trying to get the water company to install water in Linglestown Road as part of the project..

Chief Lowman questioned if any federal or state grants are available to pay for water service. Mr. Wolfe explained that there are PENNVEST funds available in the form of loans and grants, and the Township has applied for these funds for sanitary sewer work and was turned down. He suggested that it would most probably be the same if a request was made for water services. Mr. Seeds suggested that Lower Paxton Township is too wealthy of a Township. Mr. Stine noted that the Township does not meet the requirements for the loans or grants.

Mr. Needham questioned if water lines have been installed on Route 22. Mr. Wolfe noted that the water service stops in the area of Mountain Road. He noted that he did not know if there is water along the entire stretch of Route 22, west of Mountain Road. Mr. Needham suggested that most of the businesses would be located along a main thoroughfare like Route 22. He suggested that the major routes should be studied to determine if they have water service. Mr. Blain noted that this information is available through the GIS system.

Mr. Blain suggested that the fire suppression could be focused along the more heavily developed areas to ensure that the water service is in-filled in these areas. He suggested that the

ordinance could be based upon location and use. Mr. Wolfe noted that this would be similar to the Act 537 Plan for the Sewage Facility Plan. He noted that the Township married the Act 537 Plan with the Zoning Ordinance so that areas that are not projected to have sanitary sewer service extended to them in the next 20 years are only zoned low density development. He suggested that a water facilities plan could be created to match the Land Use Map. Mr. Blain agreed that this would be a great idea.

Mr. Hawk requested Chief Shields to put together a committee to discuss these issues.

Director Bair questioned Mr. Wolfe if the other items on the agenda would be discussed at a later time. Mr. Wolfe noted that a discussion must be held on the Fire Equipment Capital Plan, and the potential for a Township-wide fire services study. Mr. Blain suggested that these topics be put on the agenda for the February workshop meeting. He noted that these items would play a critical factor in the Township's Strategic Planning. Director Bair noted that the two topics are inter-related. Chief Pierich presented Mr. Wolfe with a copy of a recent Fire Services Study that was completed for State College Township. He noted that it is a very extensive study and would be good to review what types of issues were studied. He suggested that he would be very interested in having a similar study completed.

Review of efforts to address Township concerns regarding EIT collections on the part of the Capital Tax Collection Bureau

Mr. Blain explained that the Audit Committee met with the members of the Swatara Township and the Central Dauphin School Board Finance Committees in regards to concerns with the Capital Tax Collection Bureau (CTCB) and their reconciliation of funds. He noted that the discussions centered on the distribution of funding from the CTCB, their operations, and the reconciliation process. He noted that the Swatara Township Finance Committee met with the Lower Paxton Township Audit Committee in late November to discuss the issues and it was found that they are experiencing the same problems. He noted that the population is continuing to grow, and the Consumer Price Index is 2.5% a year, but the funding from the Earned Income Tax (EIT) is flat or growing at a much smaller rate. He noted that the representatives from the Central Dauphin School District (CDSB) also stated that they are running into similar problems. He noted that the CDSB distributions are declining, with the exception of times when the CTCB has overpaid the CDSB and then taken the funds back. He noted that CDSB was overpaid \$800,000 and the money was taken back by CTCB. He noted that it only re-emphasizes the concerns regarding the reconciliation process, the distribution process, and overall collection process from the employers.

Mr. Blain noted that the consensus from the meeting was that Lower Paxton Township would take the lead in talking with the other municipalities that made up the former CD Tax Office; Dauphin, Paxtang and Penbrook Boroughs, and Middle Paxton and West Hanover Townships. He noted that a joint meeting would be held with all these municipalities at Lower Paxton Township on February 5<sup>th</sup> to discuss the issues. (It was noted that the meeting was changed to January 30, 2007 at 6 p.m.) He noted that he would also invite Mr. Harbeson, the Director of the CTCB, to attend the meeting to address mutual issues of concern by the CD contingency. He suggested that the approach to the meeting would be one of a question and answer session, with Mr. Harbeson, to provide him ample opportunity to address the concerns.

Mr. Hawk noted that CTCB earns interest on the funds that they hold which defrays the cost of their operations. He suggested if the funds were distributed too quickly, CTCB would lose the advantage of earning the interest to cover their operational costs. He noted that it takes CTCB a long time to distribute the funds and the distribution is often with errors. Mr. Blain noted that no one knows for sure what the problems are, but there is a consistent concern with the CD members that something is not right. He noted that they are only trying to get answers as to why the process does not seem to be working. He noted that the analysis provided by Mr. Wolfe showed that, before the merger, the distributions versus the anticipated returns were almost dead-on. He noted that, after the merger, there have been numerous fluctuations, and for a five-year time period, the Township experienced a one percent growth. It was noted that the merger took place in 2002, and Mr. Blain suggested that something doesn't seem right.

Mr. Blain noted that the three entities are asking for full reconciliation of the distributed funds. He explained that CTCB reconciles the funds, the following year, after the tax returns are filed, where as, under the prior system, the funds were reconciled monthly. He noted that the current distributions are based on a formula that was established by Mr. Harbeson. He suggested that the formula is flawed due to the low distribution received by the Township, and suggested that there should be an upward adjustment at the end of the reconciliation period. He questioned where the funds were going, who was getting them, and why the Township was not receiving more distributions. Mr. Blain suggested that the full reconciliation could be done by Mr. Harbeson, or an outside firm could be hired to do this.

Mr. Seeds noted that the Audit Committee is doing an excellent job, and he recently met with a representative from Swatara Township who told him that Mr. Blain and Mr. Crissman are really on top of things. He suggested that the Township is headed in the right direction.

Mr. Blain noted that something is not right. He noted that Lower Paxton Township is the third largest entity in CTCB, behind the Central Dauphin and Carlisle School Districts. He noted that the Township has more EIT revenues than the City of Harrisburg. Mr. Blain noted that the major budget issue for the City of Harrisburg is that they do not get enough income from the EIT. He suggested that the City needs to do whatever it can do to get people to move back into the City. Mr. Hawk noted it was identified in 2000 that Education was at the top of the list of needed improvements for the City.

Mr. Blain noted that Mr. Harbeson and Mr. Doyle would be invited to a joint meeting with the CD members to address joint concerns. He noted that he believes that the members will request a complete reconciliation on a monthly basis or quarterly basis. Mr. Hawk questioned if the members would be requesting an audit. Mr. Blain answered, not at this time; however, each member has the power to request an audit of their funding. He noted that South Middleton Township pulled out of CTCB, requested an audit of their funds, and hired CINTEX to complete the tax work.

Mr. Hornung noted that the joint members would enter the same process that the Township has gone through many times, and in each case when Mr. Harbeson has been invited to address the Board members, nothing ever gets resolved. He noted that his concern is that the figures could be as high as a \$1million short-fall, but at least \$200,000 to \$300,000. He noted that he would want to have an audit completed to prove the justification for the current distributions. He noted if the audit costs \$50,000, it would be well worth it. Mr. Blain suggested that strength in numbers might have more weight. Mr. Hornung questioned what Mr. Harbeson would do. Mr. Blain suggested that he would have to report the information to the CTCB Finance Committee, a nine-member board. He explained that 60 to 70 municipalities make up the CTCB, and each has a representative with nine of those members forming the executive board or Finance Committee. He noted that the Finance Committee makes the decisions for the entire CTCB.

Mr. Hornung questioned what the CD members would demand of Mr. Harbeson. Mr. Blain explained that they would demand a reconciliation of funding, including the undistributed funds, and a change in the process from a formula driven process to one that is adjusted annually to an actual dollar-for-dollar distribution process. He noted that the membership would require that this be completed by June 30<sup>th</sup>, and if it can't be done, then depending what the membership decides, they may commission a small group to determine if they should leave the CTCB, and re-

establish the Central Dauphin Area Income Tax Organization (CDAITO). He noted that there may be other avenues to use also.

Mr. Hornung questioned if the membership is ready to make that demand going into the meeting. Mr. Blain answered that they are not ready at this time, and that is why he is scheduling a joint meeting with the other seven members from the CDAITO. He noted that the first attempt is to fix the problems with CTCB by meeting with Mr. Harbeson, and then weigh the options after the meeting, to determine if Mr. Harbeson will do anything.

Mr. Hornung noted if after the February 5<sup>th</sup> meeting, there is no specific demand forthcoming from CDAITO that a reconciliation be accomplished as soon as possible, noting that June may be too long to wait, that the Township would request an audit. He noted that he would be willing to sue CTCB for the funds, and this should be done with the most expediency as possible. He noted that with the Township looking at a potential for a tax increase in the next year or so, it is important to determine the amount of losses that the Township could be experiencing from CTCB. He noted that as responsible overseers of public funds, it cannot be allowed to continue one more month, let alone six months. He noted that he is tired of meeting with Mr. Harbeson and having no results, and he questioned if the CDAITO could move faster to do anything.

Mr. Blain suggested that the CDAITO members would go into the meeting with Mr. Harbeson with a specific plan to have a full reconciliation by a set date. He suggested that it may be better to give Mr. Harbeson 90 days. Mr. Hornung questioned if only Lower Paxton Township was going to do this. Mr. Blain noted that Swatara Township and the Central Dauphin School District are in agreement to this as well. He noted that the Central Dauphin School District has a permanent seat on the CTCB Finance Committee. He noted that he will be asking the same thing from the remaining CDAITO members. He noted that Mr. Harbeson will need to address these concerns, and if he can't get it done, then the membership will need to determine if they want to remain with CTCB. Mr. Seeds noted that the School District must buy into this. Mr. Blain noted that it must be a joint concerted effort as the full membership of CDAITO.

Mr. Hornung noted if the Township's disbursement is lower, then the money is going somewhere, and possibly it could be going to the other CDAITO members. Mr. Wolfe noted that the reconciled funds would need to be retracted from those who received them wrongly in the first place.

Mr. Blain noted that he is also requesting a complete internal controls study of the CTCB, specifically the processes of reconciliation and distribution. Mr. Hawk noted that this is the most

critical issue. Mr. Blain suggested that there is no control process to ensure that the undistributed funds are getting to the right places. He questioned what procedures are there to ensure that the money is returned to Lower Paxton Township and in a timely basis.

Mr. Hawk noted that it is scary that the Township may constantly be receiving less funds than what is due to it. He noted that the Township needs to have the unified voice of all the members from the CDAITO since there is strength in numbers. Mr. Hornung suggested that it may be unrealistic, but if Mr. Blain thinks it can be done, then he should pursue it. He noted, at some point, the Township should call for an audit especially if all the municipalities are receiving less than what they are due. The money must be going somewhere. Mr. Stine suggested that it could have been distributed to another tax collection bureau, and there could be a problem with the reallocation of collected funds. Mr. Blain noted that he wants to know how CTCB identifies the funds that it has collected but not yet distributed. Mr. Hawk suggested that the Audit Committee will get full cooperation with the remaining membership of the CDAITO. Mr. Hornung questioned how many governing bodies would the Audit Committee need to get on its side. Mr. Blain noted that it would involve seven other municipalities and the Central Dauphin School District. He noted that the School District's funds make up 35% of CTCB's total distribution.

Discussion regarding the potential lease of a portion of the Public  
Works Department site for a cellular telephone tower

Mr. Wolfe explained that he had an inquiry from a cellular phone company that is requesting to place a cell tower at the Public Works location. He noted that it could result in a revenue source of income approximately \$12,000 per year. He noted that the tower would be in excess of 100 feet in height. He noted to do this; the Township would need to advertise for public bids. He explained that the Township is exempt from its own zoning regulations, and the Public Works building is located in an institutional zone, that does not permit other entities from installing cellular telephone towers. He noted if the Supervisors were interested in this endeavor, he could prepare bid specifications for advertisement.

Mr. Seeds questioned if the cell tower would be in the way in the event an addition is made to the current Public Works building. Mr. Wolfe noted that there is a potential for interference. He noted that the cell tower could only be placed in one spot, the area behind the salt storage dome. He stated that no concept plans for building additions are in the works at this time. He noted if the Township kept the setback restrictions for cell towers and met the line of

sight requirements for transmissions; the only place it could be put would be behind the salt storage site. He noted that it would not preclude any additions to the Public Works but it becomes a design issue that must be considered anytime a building addition is planned. He noted that the more areas of the site that are developed, the less room there would be to place the additions. He noted that the leased site for the cellular tower would become unavailable for any further development. He noted that he did not think that there would be a better location on the property for the cellular tower.

Mr. Seeds questioned what the financial proposal called for. Mr. Wolfe explained that the proposal that he received called for a lease of a thousand dollars a month, with a 10% increase every five years. He noted that a 30-year lease would result in a gross amount of \$443,000. Mr. Seeds noted that this amount was biddable, and suggested that a clause could be added to adjust the rates to the Consumer Price Index (CPI). Mr. Wolfe noted that it would be biddable, and there may be more than one bidder. He suggested that additional revenues could be gained from co-locations on the towers.

Mr. Wolfe questioned if the Supervisors were interested in this proposition. Mr. Seeds questioned if they would need to meet the Zoning Ordinance requirements. Mr. Wolfe noted that they would not need to as the property belongs to the Township and there is no zoning for municipal property. Mr. Stine noted that the Zoning Ordinance specifically exempts the Township from all the zoning requirements. Mr. Wolfe suggested that the Township should meet the setback requirements. Mr. Hawk directed Mr. Wolfe to move forward and prepare bid documents.

#### Review of the high priority items contained in the Strategic Plan

Mr. Wolfe explained that he prepared information for a summary discussion on the capital projects found in the Strategic Plan. He noted that he needs to put some final touches on the plan prior to its final adoption.

Mr. Blain noted that a five-year build out was prepared for the general operations in regards to salaries, health care costs, and the trends in tax revenues. He suggested that the second part of this process would be to layer in the costs for the first group of items. Mr. Wolfe explained that this has already been done. He noted that the other items are for additional discussions in out-year budgets.

Mr. Blain noted that he would like to have Ms. Speakman complete an analysis where these are not included. Mr. Wolfe explained that the capital projects are funded through the

General Improvement Fund. Mr. Blain questioned if Ms. Speakman completed an analysis showing the decrease of the General Improvement Fund with the capital projects included. Mr. Hornung noted that she did complete this. Mr. Hornung questioned how the Board would reconcile the differences as it gets to the out years three, four, and five. He noted that although the Township has always had a surplus from its budget every year, there have been instances when some projects did not come due when they were planned. He noted that the Board needs to take a hard look at raising taxes in 2008, what impact it would have on the budget, and what needs to be done to provide for a balanced budget in 2010.

Mr. Blain suggested that the Township needs to build out models with the base numbers, and the costs involved in the top capital projects and how it would impact the General Improvement Fund. He suggested that models should be made for tax increases in 2008, 2009, and 2010, and how it would play out in respect to balancing the budget. He questioned what would happen to the budget if the Board members did not complete the Vision 2006 Plan. He suggested that the Township may want to hold the line on hiring additional police officers after 2008. Mr. Wolfe noted that there is no projection for additional police officers beyond 2008, and if there were, it would have an adverse impact on the numbers.

Mr. Blain suggested that Ms. Speakman should create models with assumed tax increases in so-and-so year for a so-and-so amount. He suggested that she should model the budgets, eliminating certain projects to determine how much money it would save. Mr. Wolfe noted that the projects that the Board has included in the budget are committed to. Mr. Hornung noted that there is no turning back on these projects, and the budget shows a deficit in year three and four. Mr. Hornung suggested that Mr. Blain would want Ms. Speakman to model how the budget could be balanced in 2010 using a tax increase in smaller amounts. He suggested that if nothing is added to the budget for the other capital projects, then they will never get done, therefore, he suggested that a certain amount, such as \$250,000 should be committed to capital projects each year. Mr. Hawk noted that the Board members have already engaged in a considerable amount of discussion regarding certain capital projects. Mr. Hornung noted that some of the projects would have to be completed at some point in time.

Mr. Wolfe noted that by modeling a certain amount of funds in the future for capital projects, it would need to be determined what should be budgeted in the out-years for general fund purposes.

Mr. Blain questioned if there were areas of the general operating expenses for the Township that have the ability to hold the current budget line. He noted that Ms. Speakman built

into her analysis certain assumptions for growth of expenses, but questioned what if they did not grow at those anticipated rates, and the line was held on certain operating expenses, and funds were saved. Mr. Wolfe noted that he did not know how to pick out operating expenses that may or may not have a lower assumption for growth. Mr. Blain noted that if a certain expense only trended at 2% instead of 3%, that this would have an affect on the general fund. Mr. Wolfe noted that the assumptions were based on what the expenses did over a period of time. He noted that he could arbitrarily change the trend numbers, but he didn't understand what it would show. Mr. Hornung noted that the expenses that are able to be controlled are projects and payroll. He suggested that the only way to control payroll is to eliminate people or stop giving raises, and he did not think that either one of these would be an issue, and it would not be worth looking at it.

Mr. Wolfe noted that he could plug a different number into the healthcare line item, but he picked an artificially low number to begin with. He noted if staff wanted to determine a trend at a different level based on municipal operations, then municipal services should be reviewed. He noted that the Township could inform the community, that it could not afford to provide a certain service any more and remove it from the budget, but what would that do for out-years. He noted that the Township is not overly generous in the provided services; therefore, picking a service to eliminate would be difficult.

Mr. Hornung noted that Mr. Blain is more interested in the assumptions Ms. Speakman used and what the implications of the assumptions are for the final number. Mr. Blain noted that he would build out a model in which he can change the assumptions to see what would happen under certain conditions. Mr. Hornung suggested that Mr. Blain was looking for what the potentially catastrophic assumptions could be. Mr. Hornung noted that he would be interested in looking at the revenues and the assumptions for revenues. Mr. Wolfe noted that for the past five years, the revenues have red-lined. Mr. Blain noted that he would like to have Ms. Speakman outline the assumption detail for each line item, and then send the information to him.

“Otta Know” Presentation: (no items scheduled)

### **IMPROVEMENT GUARANTEE**

Mr. Hawk noted that there was one improvement guarantee.

#### **Kendale Oaks, Phases II & III**

An extension in a bond with Hartford Fire Insurance Company in the amount of \$188,515.25 with an expiration date of February 14, 2008.

Mr. Seeds made a motion to approve the one listed Improvement Guarantee. Mr. Blain seconded the motion, and a unanimous vote followed.

Mr. Seeds questioned where the Township stood on the Zoning Amendment. Mr. Wolfe noted that the text amendment is completed, and he is waiting for the Planning Commission's map amendment recommendations. He noted that once he receives the information, he would put it in final form for the Supervisors.

### **Adjournment**

There being no further business, Mr. Hawk made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary